

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

MINISTER I-RAGUEL HANANIAH:)
IBN YAHWEH a/k/a)
ANDRE DALE GRAHAM,)
)
Plaintiff,)
)
VS.) No. 12-3074-JDT-tmp
)
SHELBY COUNTY GOVERNMENT,)
ET AL.,)
)
Defendants.)

ORDER ADOPTING REPORT AND RECOMMENDATION FOR DISMISSAL,
CERTIFYING THAT AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH,
AND DENYING LEAVE TO APPEAL *IN FORMA PAUPERIS*

Plaintiff Andre Dale Graham, who identifies himself as “Minister I-Raguel Hananiah: Ibn Yahweh Secured Party Creditor UCC 1/207-308 Ex. Rel. Andre Dale Graham,” filed a *pro se* civil complaint on December 13, 2012, and a motion for leave to proceed *in forma pauperis*. (ECF Nos. 1 & 2.) Plaintiff was granted leave to proceed *in forma pauperis*. (ECF No. 3.) On November 14, 2014, U.S. Magistrate Judge Tu M. Pham issued a Report and Recommendation (“R&R”) in which he recommended that portions of the complaint be dismissed and that process be issued for the two remaining Defendants. (ECF No. 5.) When no objections were filed, the Court adopted the R&R on December 5, 2014. (ECF No. 6.)

The order adopting the R&R, which was mailed to Plaintiff's address of record, was returned as undeliverable on December 12, 2014, marked "return to sender" and "no longer at this address." (ECF No. 8 at 5.) Therefore, on December 16, 2014, Magistrate Judge Pham issued a second R&R recommending the case be dismissed without prejudice for failure to prosecute because Plaintiff has failed to keep the Court advised of his current address or whereabouts. (ECF No. 9.) Objections to the R&R were due within fourteen days. *See* Fed. R. Civ. P. 72(b)(2). However, Plaintiff's copy of that document was also returned as undeliverable. (ECF No. 12 & 13.)

Plaintiff was instructed in the order granting leave to proceed *in forma pauperis* that he must notify the Clerk of any change of address, and he was warned that failure to do so could result in dismissal of this case without further notice. (ECF No. 3 at 2.) A litigant's most basic responsibility is to keep the Court apprised of his whereabouts. Therefore, the Court agrees with the Magistrate Judge's recommendation. The R&R is ADOPTED, and this case is hereby DISMISSED without prejudice, pursuant to Federal Rule of Civil Procedure 41(b), for failure to comply with the Court's order and failure to prosecute.

The Court CERTIFIES, pursuant to Federal Rule of Appellate Procedure 24(a), that an appeal would not be taken in good faith; leave to appeal *in forma pauperis* is DENIED. The Clerk is directed to prepare a judgment.

IT IS SO ORDERED.

s/ James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE